


MEMORANDUM

JEFF KAPLAN
U.S. MAGISTRATE JUDGE
NORTHERN DISTRICT OF TEXAS

DATE: January 28, 2008

TO: Karen Mitchell, District Clerk

FROM: Magistrate Judge Jeff Kaplan 

RE: *Microsoft Corporation v. Dauben, Inc.*
Case No. 3:08-CV-0098-L

I am the magistrate judge randomly assigned to this civil action. One of the parties is Microsoft Corporation. I own stock in Microsoft. A judge must recuse in cases where "[h]e knows that he... has a financial interest in the subject matter in controversy *or in a party to the proceeding* ..." 28 U.S.C. § 455(b)(4) (emphasis added). I am therefore disqualified from hearing any part of this case.

Please reassign this case to another magistrate judge in accordance with the usual procedure. By copy of this memo, I am advising Chief Judge Fitzwater and Judge Lindsay of this action.

cc: Chief Judge Sidney Fitzwater
Judge Lindsay